Attorney Docket No.: 101360-39

DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES LETTERS PATENT APPLICATION

As a below-named inventor, I hereby declare that:

the americant and a Cartist

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TISSUE POSITIONING APPARATUS AND METHOD FOR PROTECTING TISSUE FROM RADIOTHERAPY

me specific	cation of which	
(check one))	
is a	attached hereto.	
X was	s filed on June 15, 2001 as	
App	olication Serial No. 09/882,506	•
and	was amended on	(if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys at Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

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FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Check one:			
X no such fore	eign applications have been fi	iled.	
such foreign	applications have been filed	as follows	
	REIGN APPLICATION(S), I THS FOR DESIGN) PRIOR		
Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _
	APPLICATION(S), IF ANY		

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CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Check one:				
X no such U.S. pro	visional applications have	been filed.		
such U.S. provisi	onal applications have bee	n filed as follo	ws:	
Application Number	Date of Filing (month, day, year)	Priority C Under 35 U	L L	
		Yes	No _	
		Yes	No _	
		Yes	No _	
application is not disclose the first paragraph of Titl all information that is mad Regulations, §1.56, and v application and the nation Check one: no such U.S./PCT ap	w and, insofar as the subject of in the prior United State et as, United State Code, sterial to patentability in act which became available to all or PCT international file. The applications have been filed as the polications have been filed.	es application in §112, I acknow cordance with me between the ing date of this iled.	the manner provided the duty to Title 37, Code of the filing date of the	vided by disclose Federal
Application Number	Date of Filing (month,day,year)	(Patented/Pe	Status ending/Abandone	(h
The state of the s	,,, -,,	(2 00000011 0	, i i i i i i i i i i i i i i i i i i i	
			 	

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Ronald E. Cahill	Reg. No. 38,403	Lisa Michaud	Reg. No. 44,238
Thomas J. Engellenner	Reg. No. 28,711	Reza Mollaaghababa	Reg. No. 43,810
Michael I. Falkoff	Reg. No. 30,833	Tram Anh T. Nguyen	Reg. No. 47,257
William C. Geary III	Reg. No. 31,359	David J. Powsner	Reg. No. 31,868

all of Nutter McClennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:

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Full name of sole or first joint inventor Rance A. Winkler	
Inventor's Signature	Date Sept. 17, 2001
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Country of Citizenship USA	
Post Office Address (if different) Same as above	

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